

REMARKS

I. Status of claims

Claim 1 has been amended in this response. Claims 13-18 had been withdrawn due to the restriction requirement. By entering this response, claims 1-12 and 19-21 remain for consideration.

II. Response to rejection of claims 1-12 and 19-21 under the first paragraph of 35 U.S.C. § 112

The Examiner has rejected claims 1-12 and 19-21 under the first paragraph of 35 U.S.C. § 112. According to the Examiner, claim 1 is non-enabling because the “at least one volatile oxidizable compound” can form an explosive mixture with oxygen and thus if the oxygen-containing gas is used as the claimed gas stream, an explosive mixture will form and the process would not be a safe process for removing the at least one volatile oxidizable compound. Applicants, accordingly, have amended claim 1 by adding “wherein the concentration of oxygen in the container (1) is below the explosive limit of about 7% by volume.” This amendment is fully supported by the original disclosure on page 5, lines 12-17. Applicants believe this amendment resolves the Examiner’s concern and thus respectfully request that the Examiner withdraw the rejection of claims 1-12 and 19-21 under the first paragraph of 35 U.S.C. § 112.

III. Response to obviousness rejection of claims 1-12 and 19-21

The Examiner has rejected claims 1-12 and 19-21 as being obvious over *Bobst et al.* (US 4,372,758) in view *Sobukawa et al.* (US 6,492,298). As discussed above, Applicants have amended claim 1 by adding a limitation “the concentration of oxygen in the container (1) is below the explosive limit of about 7% by volume.” Applicants respectfully traverse the rejection of amended claim 1 and its dependent claims 2-12 and 19-21 for the reason as follows.

First, a person of ordinary skill in the art would not have, without hindsight from Applicants' disclosure, combined *Bobst et al.* and *Sobukawa et al.* because *Sobukawa et al.* relates to an ordinary-temperature purifying catalyst. The catalyst can purify and remove an environmental loading material, such as odorants or harmful gases, from air (col. 1, lines 8-14, 41-42, 58-60, col. 2, lines 23 and 24, 63-65, col. 3, lines 31-37, etc.). Even though ethylene is cited within an environmental context (col. 3, lines 13-19), a person of ordinary skill in the art would find no reason whatsoever to use the catalyst of *Sobukawa et al.* in the process of *Bobst et al.*, which rather relates to a process for removing unpolymerized gaseous monomers from solid olefin polymers (col. 1, lines 8-10) in a purge vessel (col. 2, lines 46-56). Second, there is neither disclosure nor suggestion in either *Bobst et al.* or *Sobukawa et al.* to add oxygen to the gas stream which has been discharged from the container (this is required by amended claim 1). In contrast, as the Examiner correctly recognized, *Bobst et al.* teaches to exclude oxygen to the purge gas (col. 6, lines 52-68) and does not consider adding any substances to the gas stream discharged from the purge vessel. Furthermore, the feature of claim 1 that at least part of the gas stream introduced into the container is formed by the oxidized gas stream is not mentioned in either *Bobst et al.* or *Sobukawa et al.* Therefore, even a combination of the two cited references is allowed, i.e., applying the purification of air taught by *Sobukawa et al.* to the process of *Bobst et al.* for purifying solid olefin polymers, this combination would not result in the claimed method of claim 1. For the same reason, claims 2-12 and 19-21 are not obvious over the combination of *Bobst et al.* and *Sobukawa et al.* because they depend from claim 1.

Applicants respectfully request that the Examiner withdraw the rejections and allow remaining claims 1-12 and 19-21. Applicants invite the Examiner to telephone their attorney, Shao-Hua Guo, at (610) 359-2455 if a discussion of the application might be helpful.

Respectfully submitted,
Frank-Olaf Mahling et al.

By: *Shao-Hua Guo*

Shao-Hua Guo
Attorney for Applicants
Reg. No. 44,728
LyondellBasell Industries
Phone: (610) 359-2455
December 17, 2008

Customer No. 24114